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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/360,025 | 07/23/1999 | SHINKEN OKAMOTO | 2418.05-US-0 | 3581 |

7590 04/29/2004

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EXAMINER

LAMARRE, GUY J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2133

16

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/360,025

Applicant(s)

OKAMOTO, SHINKEN

Examiner

Guy J. Lamarre, P.E.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13, 14, 16, 17 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 14, 16, 17 and 25-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Continued Examination Under 37 CFR 1.114

0. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's amendment of 2 Feb. 2004 has been entered.

0.1 This office action is in response to Applicants' amendment.

0.2 Claims 15, 18-24 are cancelled. Claims 25-33 are added. Claims 13-14, 16-17 are amended. Claims 13-14, 16-17 and 25-33 remain pending.

0.3 The prior art rejection of record to be maintained in response to Applicants' amendment.

Response to Arguments

0.4 Applicants' arguments have been fully considered: flash memory is not claimed in claims 13-14, 16-17, and operational status is not claimed in claims 25-34.

Applicants' arguments, re: display for use in operation rather than in storage capacity, are not persuasive because the prior art does not have to show intended use or purpose. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Applicant is invited to call Examiner for possible claim language to place instant application in condition for allowance.

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Claim Rejections - 35 USC ' 103

1. **Claims** 13-14, 16-17 and 25-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yamagami et al.** (US Patent No. 6,130,837; 25 November 1992) in view of **Yoshito et al.** (JP Publication No. 62290989; 17 December 1987).

As per **Claims 13, 16, 25-34**, **Yamagami et al.** substantially discloses, in Figs. 2 and 10, the procedure for the claimed memory unit comprising: a memory having a main memory area (block 21) and a spare memory area or write buffer (block 29), wherein said main memory area includes a plurality of data storage registers and wherein each of said data storage registers has an address, and wherein said spare memory area has a storage capacity; a display or status table (block 28); and a processor (block 23), wherein said processor transfers data stored in each of said addresses of said main memory area to said spare memory area upon a number of write operations performed to a respective one of said addresses in said main memory reaching a predetermined value (or frequency of error Fig. 2)), and wherein said processor drives said display or status table to indicate or display storage capacity status or condition. {See **Yamagami et al.**, Figs. 2 and 10, and related description, in passim, wherein apparatus and method (including error frequency means in Fig. 2 and associated description in col. 4 line 61 et seq.) are described.} **Not specifically described** in detail in **Yamagami et al.** is the step whereby memory indicating means is via a **display means for displaying** remaining amount of said storage capacity in said spare memory upon a remaining amount of said storage capacity reaching a predetermined remaining capacity. **However** such approach is well known. For example, **Yoshito et al.**, in an analogous art, discloses a "Memory Card," wherein such techniques are described. {See **Yoshito et al.**, Id., ABSTRACT.} **Therefore**, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the procedure of **Yamagami et al.** by including therein a **display means** as taught by **Yoshito et al.**, because such modification would provide the procedure disclosed in **Yamagami et al.** with

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a technique whereby “*storage capacity of a memory is visually provided via a display terminal.*”

{See Yoshito et al., ABSTRACT.}

As per Claims 14, 17, Yamagami et al. substantially discloses, in col. 13 line 13 et seq., the procedure for the claimed memory unit as in claim 13, wherein said processor compares said remaining amount of said storage capacity with a plurality of different values of said predetermined remaining capacity, wherein the comparison produces a plurality of different results, and wherein said processor drives said display or external unit in different manners dependent upon said plurality of different results.

As per Claim 18, Yamagami et al. substantially discloses, in Fig. 4 and col. 6 line 2 et seq., the procedure for the claimed memory unit as in claim 13, wherein said processor drives the display upon said number of write operations or error frequency (col. 4 line 61 et seq.) performed to a respective one of said addresses in said main memory reaching a predetermined number or frequency (col. 4 line 61 et seq.).

Conclusion

2. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231

or faxed to: (703) 872-9306 for all formal communications.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guy J. Lamarre, P.E., whose telephone number is (703) 305-0755. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert De Cady, can be reached on (703) 305-9595.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Guy J. Lamarre, P.E
Primary Examiner
4/26/04
